Frank’s Trial May be Postponed Until Early in the Fall

Judge L. S. Roan, Who Will Preside at the Trial, Returns to Atlanta Thursday Afternoon and Is Ill

SOLICITOR SAYS STATE WITNESSES ARE READY

Reuben Arnold, One of Frank's Attorneys, Returns After Conference in Covington With Judge Roan

Judge L. S. Roan, who will preside at the trial of Leo M. Frank when he is arraigned for the murder of Mary Phagan, returned from Covington Thursday afternoon quite ill and went immediately to his home. He will be unable to go to the court house during the afternoon, but announces that the venire will be drawn by Judge John T. Pendleton, at his request.

Reuben R. Arnold, associate attorney in the defense of Mr. Frank, returned from Covington on the same train with Judge Roan. He declined to make any statement in reference to his visit to Covington. It could not be learned from him whether he had discussed the possibility of a postponement with Judge Roan or whether the defense would make formal application for postponement.

The impression prevails, however, that the defense will seek a postponement and there is said to be a strong probability that the case will not go to trial before early fall.

Should Judge Roan continue ill, it is not likely that the trial would be entered upon. Although the other superior court judges have concurrent jurisdiction, it is not considered likely that either Judge Pendleton or Judge Ellis would preside over the case, but instead the trial would be delayed until Judge Roan has recovered. Judge Roan's illness is said not to be serious, however, and he will probably be in his court again before Monday, the day set for the trial.

WITNESSES SERVED.

Solicitor Hugh M. Dorsey announced Monday afternoon that the state's witnesses had all been served, that they were all in the

city and that the state is ready for trial. It is known that the solicitor will fight any request for a postponement.

TO DRAW 144 MEN.

A venire of 12 panels, 144 men, will be drawn from the jury box, and if there is any way of reading a definite decision or agreement about the date of the trial, it will probably be taken, as the serving of the 144 veniremen with subpoenas would be an unnecessary expense to the state if the trial is not going to commence Monday, and in addition it would unnecessarily take many business men away from their work.

It is generally known that the defense is loath to enter into the trial during the hot summer months, and if a continuance because of the weather is going to be requested at all, it is not improbable that the question will be put to the court, before the venire is drawn. Then Solicitor Dorsey will be present and will be given an opportunity to state his position.

The solicitor has already announced that he is ready for trial, and he is certain to insist that the case go to trial Monday.

The solicitor made an effort to prevent a postponement when the Frank case was first called on June 30, and is certain to make a vigorous fight against any further delay.

James Conley, the negro sweeper, who has confessed complicity in the Mary Phagan murder, was sweated for several hours Wednesday afternoon by Solicitor General Hugh M. Dorsey, and Attorney Frank A. Hooper, who will assist in the prosecution of Leo M. Frank.

For some unknown reason the sweating took place in the county jail instead of at police headquarters, where Conley has been held.

Detectives Starnes and Campbell, who are working directly under the solicitor, slipped the negro from his cell at headquarters early in the afternoon, and without even the officials at headquarters knowing their destination, rushed him to the Tower.

He was carried up stairs, where he confronted Newt Lee, the negro night watchman at the pencil factory, who has been incarcerated since the Mary Phagan murder. The two negroes were together about five minutes and were questioned by the attorneys. Conley and Lee did not know each other and so stated to the officials. It will be noted that one worked at night and the other during the day.

With the officials at the meeting of the negroes was J. M. Gantt, one time bookkeeper at the pencil factory. Gantt had nothing to say during the examination of the negroes and soon left the tower.

Conley was then taken to the hospital ward of the tower on the fifth floor, where he was sweated for more than two hours.

When Chief of Police Beavers found that the negro was absent from his cell at headquarters he inaugurated an investigation, and finally went personally to the tower where he waited until the solicitor and the detectives came down with the prisoner.

"Did you tell them that you killed the girl?" a reporter called to the negro.

Conley made no answer and the expression on his face did not change as the went out of the jail door between the two officers.

Lanford Makes Another Statement About Stick

After a conference with Harry Scott, field chief of the Pinkertons during the Phagan investigation, Chief of Detectives Newport A. Lanford made another statement Thursday relative to the finding of a bloody stick in the National Pencil factory at the same point the envelope, bearing the name Mary Phagan, was found.

Chief Lanford says that he has never regarded the finding of the stick, on which he says there was only one small blood spot, of importance in the case, and says that it is inconceivable that all of his men and the others, who search the factory, should not have found it if it lay on the floor in the factory from April 26, the date of the murder until May 10, the day it was found.

Chief Lanford said when The Journal's exclusive story told of the finding of the stick, that he was surprised that Scott had not reported it to him.

After the conferences, however, he said that Scot had fully and satisfactorily explained the matter.

On May 10, Scott was out of the city, and during his absence two Pinkerton operatives found the stick and turned it over to the defense.

Scott, according to Chief Lanford, did not know anything about the stick until he read the Journal's story. Chief Lanford intimates that Scott, like himself, does not consider the finding of the stick as a material point in the case.

Chief Lanford also says that Scott assures him that he has not changed his theory in that case.

CHEMIST'S REPORT.

A local chemist is reported to have examined the stick which the defense is said to have found on the street floor of the pencil factory; and to have examined also some chips from the wood of that floor. His conclusion it is said, is that the stains on both the stick and the chips were made by human blood.